

Electrical / Boiler 2004 Legislative Report

As required by Chapter 67, Laws of 2004 (SB 6586)

December 2004

Purpose

In response to Section 1 of Chapter 67, Laws of 2004 (An ACT Relating to requirements for electrical work on boilers), the electrical board and the board of boiler rules shall jointly evaluate whether electrical licensing, certification, inspection, and permitting requirements should apply to maintenance work on the electrical controls of a boiler performed by an employee of a service company. The electrical board shall report their joint findings and recommendations for legislation or rule making, if any, to the commerce and labor committee of the House of Representatives and the commerce and trade committee of the senate by December 1, 2004.

Background

The Department of Labor and Industries (Department) administers various state laws governing construction-related businesses and trades, including persons performing electrical and boiler work.

State law requires that most work involving electrical wiring, appliances, devices, and equipment be inspected. It also requires that persons who engage in the business of installing or maintaining certain wires or equipment have either a general electrical contractor license or an appropriate specialty electrical contractor license. Persons who perform such work must be certified as journey level electricians or appropriate specialty electricians.

State law authorizes the Board of Boiler Rules to make rules governing the safe construction, installation, and use of boilers and unfired pressure vessels. These rules are enforced through annual or biannual safety inspections.

Legislation enacted in 2004 (ESSB 5713) directed the Department to cease administering and enforcing electrical licensing, certification, and permitting/inspection requirements as applied to maintenance work on the electrical controls of a boiler performed by employees of service companies until July 1, 2005. It also directed the Electrical Board and the Board of Boiler Rules to evaluate whether these requirements should apply to such work, and to report their findings and recommendations, if any, to legislative committees by December 1, 2004.

Options Considered

The department held a stakeholder meeting including representatives from the boiler and electrical industries and representatives from the Electrical Board, the Board of Boiler Rules, and L&I on April 20, 2004. At this meeting, the Chief Electrical Inspector and the Chief Boiler Inspector gave presentations about how their programs functioned, the current laws associated with boiler/electrical work, and the opportunities available for licensing and certification today.

After all questions from the stakeholder group were answered, the following options were considered for possible action:

- **Option #1:** Ask for complete exemption from all electrical/mechanical regulation for the installation and maintenance of boiler equipment and systems.
- **Option #2:** Take no action.
- **Option #3:** Establish a new, comprehensive boiler licensing, certification, and inspection program under the Board of Boiler Rules.
- **Option #4:** Recommend that legislation be created to modify chapter 19.28 RCW that will allow a new boiler electrical contractor and electrician specialty to be created and defined in rule.

The department gave stakeholders three weeks to send written comments on the options presented. Approximately 25 comments were received. Twenty-one comments received from contractors, electricians and organized labor requesting no change in requirements and three comments were received from contractors and the Independent Business Association on creating a new electrical boiler specialty.

As a result, the Electrical Board and the Board of Boiler Rules held a joint special meeting on June 15, 2004 to discuss the results of the April 20th stakeholder meeting and written comments received. The two boards, at the June 15th meeting heard department testimony. Approximately ten stakeholders attended the special board meeting and no testimony was provided. The boards discussed the presented options and determined the below findings.

Findings

Both boards were unanimous in the finding that, absent legislative changes, after the July 1, 2005 expiration date the L&I Electrical Section will again require electrical maintenance specialty licensing and certification for boiler electrical maintenance work. The following findings support this decision:

- It is critical to ensure that electrical work is performed by qualified electricians
- Eliminating specific electrical regulation will reduce the current level of safety
- Existing electrical specialties (i.e. 01 General Journeyman, 06A HVAC/refrigeration, 06B HVAC/refrigeration – restricted, and 07 Industrial Maintenance) offer opportunities for contractors to perform any required electrical work on boilers
- No change is more cost efficient and provides adequate regulation

Recommendation

The recommendation from The Electrical Board and The Board of Boiler Rules is to take no action. The Department will continue to enforce the current laws as they pertain to electrical maintenance work on boilers.